

## Michigan Judicial Campaign Seminar Ethics of Campaigns

### Faculty:

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State Bar of Michigan  
Lansing

Hon. Susan Moiseev  
46<sup>th</sup> District Court  
Southfield

Ms. Evelyn Quiroga  
Department of State  
Lansing

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## Department of State: Campaign Finance Act Ballot Access

Ms. Evelyn Quiroga  
Disclosure Division Analyst, Bureau of Elections  
Department of State  
517-335-2790

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## Campaign Finance Act

- You become a "Candidate" when you:
  - Spend or receive money to further your nomination or election
  - Give someone else permission to spend or receive money to further your nomination or election
  - You file for the ballot

Whichever comes first!!

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## Campaign Finance Act

- Once you become a “Candidate” you have:
  - 10 days to form your Committee
    - Pick a treasurer AND pick a depository
  - Additional 10 days to file the Statement of Organization with your Filing Official
  - Bureau of Elections is the Filing Official for all Judicial Candidates
  - File the form early if possible as late filing fees are assessed.

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## Campaign Finance Act

- Campaign Statements
  - Detail where you got your committee money & how you spent it
  - Are required on specific dates
    - Before and after each election that your name appears on the ballot
  - Annually on January 31
  - Again, late filing fees apply to each Campaign Statement that is not filed timely
  - Electronic filing of campaign statements is required if the campaign spends or received more than \$20,000.00

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## Campaign Finance Act

- Best Advice
  - Pick a good treasurer that will:
    - Get your reports in on time
    - Gather the necessary information to file
    - Respond to notice that are sent to the committee

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## Campaign Finance Act

- Bureau of Elections for Campaign Finance
  - Elizabeth Newberry
    - 517-373-2540
    - [newberrye@michigan.gov](mailto:newberrye@michigan.gov)

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## Ballot Access – Michigan's Election Law

- Judicial Incumbents seeking the same office
  - Affidavit of Identity
  - Affidavit of Candidacy
  - Filing deadline: March 22, 5:00 pm
  - Withdrawal deadline: March 25, 5:00 pm

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## Ballot Access – Michigan's Election Law

- Other Judicial Candidates
  - 3 documents for a complete filing:
    - Affidavit of Identity
    - Affidavit of Constitutional Qualification
    - Requisite number of valid petition signatures

Must have all 3 to constitute a complete filing.

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## Ballot Access – Michigan's Election Law

### ■ Petition Signature Requirements

- Primary Election Date: August 3, 2004
- Filing Deadline: April 27, 2004, 4:00 pm
- Withdrawal Deadline: April 30, 2004, 4:00 pm
- Filing Deadline for Incumbents: March 22nd, 2004

How many signatures do I need?

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## Ballot Access – Michigan's Election Law

### ■ Filing out the Petitions

- Heading
  - As a candidate for the office of.....
  - 3 parts: Judge of the "Court", Term?, Type of Position
    - Example: Judge of the 1<sup>st</sup> District Court, Div 2, Regular Term, Incumbent Position
  - Check the Petition Signature Requirements document for all of the pieces
  - Check the website often
  - If your seat moves from Incumbent position to Non-Incumbent position you can combine signatures
  - Wait to file until after March 22 incumbent deadline

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## Ballot Access – Michigan's Election Law

### ■ Body or Signer information

- Where do the signers live?
- Have signers completed all information?
- Zip Code vs Post Office
- Dittos are acceptable

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## Ballot Access – Michigan's Election Law

### ■ Circulator's Certificate

- ❑ Must be signed after the signatures are collected
- ❑ Circulator must be registered to vote in Michigan
- ❑ Must indicate where they are registered

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## Ballot Access – Michigan's Election Law

### ■ General information about circulating

- ❑ Make sure your circulators understand the rules – Instructions are on the back
- ❑ Instructions do not have to be on the back for the petition to be circulated, but recommended
- ❑ You can copy the petition – true to size
- ❑ You can fill out the heading information before you copy
- ❑ You can cross out signatures without invalidating the entire sheet

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## Ballot Access – Michigan's Election Law

### ■ General information about circulating – cont'd

- ❑ One bad signature does not invalidate the sheet, only that signature
- ❑ You can combine Countywide and City/Township sheets
- ❑ You should get as many signatures over the minimum as possible
- ❑ You can supplement your filing up to the maximum through the filing date

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## Ballot Access – Michigan's Election Law

- General information about circulating – cont'd
  - Booklets
    - Green: Circulating Petitions
    - Yellow: City/Township
    - Gray: Countywide
    - Review these booklets. They tell you what standards are used to review the petition

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## Ballot Access – Michigan's Election Law

- Affidavit of Identity
  - Fill out form completely
  - Do **not** skip the precinct #
  - Notarization
  - Compliance Statement
  - How you want your name to appear on ballot

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## Ballot Access – Michigan's Election Law

- Affidavit of Constitutional Qualification
  - Fill out form completely
  - Notarization

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## Ballot Access – Michigan's Election Law

- No news is good news. We will contact you if there are any issues.
- File as early as possible!

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## Department of State contact info

- New address effective March 31<sup>st</sup>:

- Treasury Building  
1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI 48918

The PO Box, phone & fax numbers will not change.

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## Campaign Timing, Management of Campaign Funds, Advertisements & Debates

Mr. Thomas K. Byerley  
Director of Professional Standards  
State Bar of Michigan  
517-346-6328

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## Campaign Funding

### ■ General

- First step: Set up a campaign committee
- May begin raising funds on February 15 of year of election
- Unsolicited contributions received before February 15 may be kept, if campaign committee is formed
- Candidate's own money may be spent before February 15

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## Campaign Funding

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## Campaign Funding

### ■ General – cont'd

- Funds must be raised through candidate committee, never by candidate
- May not solicit more than \$100 from lawyer. Lawyer, however, may give more than \$100. Applies to entire election cycle – not once for primary and once for general election

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## Campaign Funding

### ■ General – cont'd

- All contributions regardless of amount must be itemized with name, address, date and amount
- Any contributions from individuals over \$100.00 must also include the occupation and employer or the contributor

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## Campaign Funding

### ■ General – cont'd

- Member of judge's immediate family may not be treasurer. See JTC A/O 15, JI-014, JI-090
- Must wind up finances by January 1 after election. Excess funds either returned to contributors or donated to Client Protection Fund
- No post-election parties with excess funds

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## Campaign Funding

### ■ Contributions

- Any contribution over \$100.01 from an individual must be itemized – ALL contributions from sources other than individuals must be itemized
- May not accept more than \$20 in cash
- Candidate may make unlimited contributions to campaign committee and may "loan" money to campaign.

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## Campaign Funding

### ■ Contributions

- Maximum contributions to judicial campaigns

<u>Population</u>	<u>Indiv. Contribution</u>
Up to 85,000	\$ 500
85,001-250,000	\$1,000
Over 250,000	\$3,400

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## Campaign Funding

### ■ Contributions

- May not accept contributions after election day  
[exception: contribution]

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## Campaign Activities

- Planning activities – permissible to start before February 15 fundraising period; but may not solicit funds before February 15
- Planning committee may send “announcements” asking for input – may not solicit or accept funds
- No promises – other than the faithful and impartial performance of the duties of office. MCJC 7B(1)(c)

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## Campaign Activities

- Debates and surveys
  - NEW MAJOR CASE: Minnesota v White – U.S. Supreme Court Included on page 48 of large booklet
  - May not make pledge of performance – may only agree to uphold the highest legal authority applicable at the time and to review facts or the particular case

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## Campaign Activities

- Debates and surveys
  - May not make public comments about pending or impending cases
  - JI-82. May not answer surveys which identify candidate with partisan position or one that suggests partiality for or against particular group or class. [Right to Life; MADD]. THIS OPINION MAY BE OVERRULED BY MINNESOTA V WHITE
  - Page 18 of “Becoming a Judge” Booklet is in serious doubt

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## Campaign Activities

- Endorsements
  - Must be truthful – get in writing and use it verbatim
  - Do not give anything of value for endorsements
  - Verify that endorsing group is properly constituted and registered

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## Judicial Campaign Changes in Recent Years

- Violations of the Judicial Code are investigated by AGC if candidate is a lawyer, by the JTC if candidate is a judge
- Candidate committee expenditures may not exceed \$2 million
- Contributions from “immediate family” are unlimited; “Immediate family” is a spouse, child in household, or anyone claimed by candidate or spouse as a dependent

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## Judicial Campaign Changes in Recent Years

- Limitations on contributions from “individual committee” [committee other than candidate committee or political committee that files an organizational statement] and “political committees.” See the Michigan Campaign Financing Act.

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### Judicial Campaign Changes in Recent Years

- A candidate committee may not contribute “on behalf of” another candidate committee, nor purchase fund-raising event tickets to another candidate’s event in excess of \$100 per calendar year.
- Advertising must bear the name & address of the person paying for the matter. If the advertisement is not authorized by the candidate committee, but is from an independent advertiser, a disclaimer is required.

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### Judicial Campaign Changes in Recent Years

- New rules on political speech. MCJC 7B(1)(d) – New standard: “A candidate should not knowingly, or with reckless disregard, use or participate in the use of any form of public communicate that is false.” Replaces old standard of “false, fraudulent, deceptive or misleading.”
- See September 2003 amendment to MCJC 7 – dealing with “rollover money”.

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### Judicial Campaign Changes in Recent Years

- Successful candidate must wind up law practice and campaign committees by midnight December 31 and divest outside interests by June 30 following the election.
- It is not unethical to accept contribution from fundraisers held by third parties, as long as the candidate committee could directly have held the fundraiser. JI-111.

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### Judicial Campaign Changes in Recent Years

- A judge may make a financial contribution to a group supporting a bond issue to build a new school in the school district in which the judge resides. Also OK to place a lawn sign supporting the school millage. JI-116

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### Other Resources for Answers

- “Becoming a Judge” booklet – Page 33: contact information
- Web site – Ethics page
- Ethics Hotline: 517-485-ETHX
  - JUDGES HOTLINE: 517-346-6334

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## Professional Excellence in a Judicial Campaign

Hon. Susan Moiseev  
46<sup>th</sup> District Court  
& Subcommittee on Professional Ethics  
248-796-5820

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## Professional Excellence

- Hire a professional as your campaign manager with experience in judicial elections
- Define the role...
  - for the campaign manager
  - for yourself

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## Professional Excellence

- Maintaining professional excellence for your judicial office
  - Avoid impropriety & the appearance of impropriety
  - Know the canons & strictly adhere to them
  - Remember, as the candidate, you are responsible for many of the things done and said in your name!

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## Professional Excellence

- Being a judge...
  - is a great job
  - an incredible honor
  - a great responsibility

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## Professional Excellence

- As a judge, we have the responsibility of
  - "...establishing, maintaining, enforcing, and should personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge should always be aware that the judicial system is for the benefit of the litigants and the public, not the judiciary. ..."

Code of Judicial Conduct, Canon 1

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